

SEPA IWG Teleconference Summary

Tuesday, September 30, 9:00 a.m. – 4:30 p.m.

Attendance

Co-Leads:

Jim Lopez	King County
Dick Settle	Foster Pepper
Jeannie Summerhays	Washington Department of Ecology

Members and Alternates:

Jayson Antonoff	City of Seattle, Dept of Planning & Development
Craig Gannett*	Chelan PUD
Anthony Chavez	Weyerhaeuser
Sean Cryan	Mithun
Jennifer Dold	Bricklin, Newman, Dold, LLP
Ann Farr**	Port of Everett
Kari-lynn Frank	National Association of Industrial and Office Properties
Hilary Franz	Bainbridge City Council
Steve Kennedy***	Sound Transit
Mark Kulaas	Douglas County
Valerie Grigg Devis	Washington Dept. of Community, Trade, and Economic Development
Dan McGrady	Vulcan, Inc.
T.C. Richmond	GordenDerr Attorneys at Law
Michael Robinson-Dorn	University of Washington Law School
Tim Trohimovich	Futurewise
Tayloe Washburn	Foster Pepper, PLLC
Clay White	Stevens County
Megan White	Washington Department of Transportation
Jim Wilder	Jones & Stokes

**Alternate for Gregg Carrington*

***Alternate for John Mohr, Port of Everett*

****Alternate for Perry Weinberg, Sound Transit*

Absent:

Gregg Carrington	Chelan PUD (Alternate present)
Connie Krueger	City of Leavenworth
Bill Messenger	Washington Labor Council
John Mohr	Port of Everett (Alternate present)
David Troutt	Nisqually Tribe
Perry Weinberg	Sound Transit (Alternate present)

Others:

Tom Beierle	Ross & Associates Environmental Consulting, Ltd.
Roma Call	Ross & Associates Environmental Consulting, Ltd.
Susan Drummond	Foster Pepper
Fred Greef	Washington Department of Natural Resources

Simon Kihia	Washington Department of Natural Resources
Tim Krause	Consultant
Matt Kuharic	King County
Karin Landsberg	Washington Department of Transportation
Brendan McFarland (by phone)	Washington Department of Ecology
Jeanette McKague	Washington Realtors
Carol Lee Roalkvam	Washington Department of Transportation
Annie Szvetcz	Washington Department of Ecology
Laura J. Watson	Washington Attorney General's Office

Background Documents:

Available online at http://www.ecy.wa.gov/climatechange/2008CAT_iwg_sepa.htm

- ▶ Agenda
- ▶ Decision Guide – this document identifies what questions will be asked of the IWG at the meeting, and possible responses.
- ▶ Threshold Determination PowerPoint – the presentation describes key discussion items from the 9/17 thresholds team meeting and provides high-level background for making decisions about Threshold Determination.
- ▶ Proposed revised language for recommendations related to measurement tools.
- ▶ A concept and proposed recommendations for including analysis of climate vulnerability/adaptation in the SEPA checklist. The IWG will discuss the proposed recommendations and vote on whether to carry them forward to the CAT.
- ▶ Write-ups of six “leveraging SEPA” ideas – these ideas are being presented by members of the Bucket 3 group for full IWG consideration on the 30th. The IWG will briefly discuss each idea and then decide whether, and if so, how, to carry it forward to the CAT.
- ▶ Analysis of the implications of the various options for statewide consistency in threshold determination. This is a background document for members as they think through a preferred approach to statewide consistency.

Agenda:

- 1. CAT Update and IWG Report Process**
- 2. Threshold Determination**
 - ▶ Decision: Preferred approaches to: 1) approach to statewide consistency; 2) type of significance standard; 3) qualitative approaches; and 4) linkages to state goals
- 3. Vulnerability and Adaptation**
 - ▶ Decision: Whether to approve recommendation on vulnerability/adaptation
- 4. Leveraging SEPA**
 - ▶ Decision: Determine how to present ideas to CAT
- 5. Measurement Tools**
 - ▶ Decision: Whether to approve revised recommendation language
- 6. Other Draft IWG Report Issues and Questions**
- 7. Future of the IWG, Meeting Wrap Up and Next Steps**

Discussion Items and Key Issues:

1. Welcome and Introductions
 - 1.1. Tom Beierle, Ross & Associates welcomed members, technical staff and the public to the meeting and invited those in attendance to introduce themselves
 - 1.2. Tom reviewed the meeting objectives and agenda. The objectives of the meeting were to:
 - Understand the schedule and process for communicating IWG work to the CAT;
 - Make decisions on recommendations for the CAT;
 - Identify any anticipated funding needs, statutory changes or rule changes for the CAT;
 - Determine the resolution path for the most significant remaining comments on the draft report; and
 - Discuss IWG member interest in continuing to advise on SEPA and climate
 - 1.3. The Co-leads thanked everyone for their comments on the draft report and their continued hard work. The co-leads emphasized that, although this group is getting close to being done in its current configuration, policy development on SEPA and climate will continue, and during the meeting we will gauge member's interest in continuing to be involved as an advisory group.
2. CAT Update and IWG Report Process
 - 2.1. IWG co-lead Jeannie Summerhays provided an update on the CAT response to the SEPA IWG presentation that she gave at the September 18-19 CAT meeting.
 - 2.2. Jeannie reported that during the CAT meeting Director of Ecology Jay Manning emphasized the importance of making SEPA and climate as clear and predictable as possible for proponents. He also welcomed the efforts of the IWG to use SEPA as a strategy to reduce emissions in the state and encourage climate friendly development. CAT members commented during the CAT meeting that SEPA is a "gap filler" and noted the importance of moving beyond SEPA to clarify climate change policies through regulations, building codes, etc. However, members also stated that SEPA has an important role to play currently, since many other climate change policies are not yet in place.
 - 2.3. An IWG member reported on the progress of the Land Use & Climate Change Advisory Committee (LUCC) and Transfer of Development Rights (TDR) Advisory Committee. Another IWG member requested that the IWG coordinate with other climate change groups (Transportation IWG, LUCC, TDR, and others) in a "mixer" meeting before the CAT recommendations are finalized. The co-leads reported that the co-chairs and facilitators of the climate workgroups have been coordinating regularly on cross-cutting issues.
 - 2.4. Tom Beierle reported that the IWG would submit its final recommendations to the CAT by October 8th and that the CAT would start drafting its final report after the October 14-15 CAT meeting. The SEPA IWG report will be an appendix of the CAT report and recommendations will be highlighted in the body of the report. Over the next week the IWG will focus on revising the recommendations section and providing comments. Tom stated that much of what the IWG gets done for the CAT will be completed by the end of the meeting today and the rest will be completed over the next week or so. This may mean that the IWG will present a range of views to the CAT on some issues and present some issues that are not yet fully resolved.
3. Threshold Determination
 - 3.1. The session was introduced with a brief summary of the Threshold Determination subgroup meeting. Topics were: the safe harbor option for statewide significance; more detail on the

percentile versus volume approach to statewide significance standards; and the potential link between SEPA threshold determination and the state's greenhouse gas emissions goals. Two members of the IWG gave an update of the subgroup discussion.

- 3.2. The IWG was asked to focus on the preferred approaches to 1) statewide consistency, 2) type of significance standard, 3) qualitative approaches, and 4) linkages to state goals. Members discussed the details of the proposed approaches and asked clarifying questions.
- 3.3. The group conducted an initial vote on the statewide consistency standards as follows:

Statewide Consistency Standard Options	SEPA IWG Voting Results
1. Implement statewide standard	3 in favor
2. Use State Standard or Adopt Local Standard WITH State Sideboards	<u>9 in favor</u>
3. Use State Standard or Adopt Local Standard WITHOUT State Sideboards	2 in favor
4. Adopt Local Standard WITH State Sideboards	0 in favor
5. Adopt Local Standard WITHOUT State Sideboards	0 in favor
6. No Required Local Standard	3 in favor
7. Don't Know/Can't Decide at this Point	3 votes

Note: The term "sideboards" is used above to potentially include state guidance, rule, or statute. The specific nature of the sideboards would be determined later.

- 3.4. In subsequent discussion, those voting for option 6 (no required local standard) clarified that they still saw an active role for the state in providing guidance on standards and possibly a model standard.
- 3.5. After further discussion, the group decided to hold a second vote on Statewide Consistency Standard Options, including a vote for each member's first and second choice. The results of the second vote were as follows:

Statewide Consistency Standard Options	SEPA IWG Voting Results		
	1 st choice	2 nd choice	Total # votes
1. Implement statewide standard	1	1	2
2. Use State Standard or Adopt Local Standard WITH State Sideboards	<u>8</u>	<u>10</u>	<u>18</u>
3. Use State Standard or Adopt Local Standard WITHOUT State Sideboards	6	3	9
4. Adopt Local Standard WITH State Sideboards	0	2	2
5. Adopt Local Standard WITHOUT State Sideboards	0	1	1
6. No Required Local Standard	3	2	5
7. Don't Know/Can't Decide at this Point	0	0	0

- 3.6. The group discussed that the IWG report would describe the option that received the most votes and also characterize the range of view of members.
- 3.7. The IWG discussed whether the state should link the significance standard(s) to the state's greenhouse gas emissions reduction goals. The group voted as follows:

Link Significance Standard(s) to State's GHG Reduction Goals	SEPA IWG Voting Results
1. Yes, Link to State's GHG Reduction Goals	<u>14 votes</u>
2. No, Do Not Link to State's GHG Reduction Goals	6 votes
3. Don't Know/Can't Decide at this Point	1 vote

- 3.8. The majority of members voted in favor of linking the significance standard(s) to the State's GHG reduction goals.

- 3.9. The IWG discussed whether Ecology and its stakeholders should develop approaches that allow proposals to qualitatively achieve a “Determination of Non-Significance” (DNS) (e.g., a “green list”, conformance to a climate plan, etc, that would be determined at a later time). The group voted on qualitative approaches to DNS as follows:

Approaches that Allow Qualitative DNS	SEPA IWG Voting Results
1. Yes, Develop Approaches that Allow Qualitative DNS	<u>19 votes</u>
2. No, Do Not Develop Approaches that Allow Qualitative DNS	0 votes
3. Don’t Know/Can’t Decide at this Point	1 vote

- 3.10. The IWG discussed the types of statewide standards (required or optional) that would be potentially adopted. As part of the discussion, members requested that the report clarify that nothing the IWG recommends is intended to affect categorical exemptions unless specifically identified otherwise. The group voted on types of statewide standards as follows:

Types of Statewide Standards	SEPA IWG Voting Results
1. Percentage-based Standards	2 in favor
2. Volume-based Standards	0 in favor
3. Hybrid of Percentage-based and Volume-based Standards	7 in favor
4. Other Type of Standard or Combination/Menu of Standards	<u>10 in favor</u>
5. Don’t Know/Can’t Decide at this Point	2 in favor

4. Vulnerability and Adaptation

- 4.1. The group discussed whether the SEPA checklist should be revised to include a consideration of vulnerabilities as part of the SEPA analysis. (Draft language was provided before the meeting). Members said the recommended language should be revised to:

- Clarify confusing language about “2nd tier impacts;
- Make it clear that applicants wouldn’t be required to do new studies to provide information on vulnerability; and
- The state should provide resources for the vulnerability analysis.

- 4.2. Members voted unanimously in favor of the proposed recommendation with the above amendments.

5. Leveraging SEPA

- 5.1. Members of the “Leveraging SEPA” subgroup presented incentive ideas to the IWG. Members discussed details of the proposals and asked clarifying questions. Ideas for leveraging SEPA included the following:

- Exemptions
- Upfront SEPA
- Voluntary Mitigation List and “Green List” Projects
- Leveraging Existing Categorical Exemptions
- Future Vulnerabilities/Adaption Measures – beyond what was previously decided
- Regional Planning

- 5.2. The group voted on the incentive proposals based on three potential actions:

- Recommend the idea to the CAT and Ecology in the final IWG report;
- Recommend that the idea be further analyzed and considered by the CAT and/or Ecology; or
- Not recommend the idea for further consideration.

- 5.3. The IWG voted to include exemptions, upfront SEPA, voluntary mitigation list/green list projects, and regional planning in the final report and to recommend further analysis of future vulnerabilities/adaption measures. The results of the IWG voting on the “Leveraging SEPA” ideas were as follows:

Leveraging SEPA Ideas	Recommend in Final Report	Recommend Further Analysis	Do Not Recommend
1. Exemptions	<u>13</u>	6	1
2. Upfront SEPA	<u>16</u>	3	0
3. Voluntary Mitigation List and “Green List” Projects	<u>13</u>	7	0
4. Leveraging Existing Categorical Exemptions	1	7	<u>12</u>
5. Future Vulnerabilities/Adaption Measures – beyond what was previously decided.	1	<u>10</u>	9
6. Regional Planning	<u>11</u>	5	3

6. Measurement Tools

- 6.1. Members of the Measurement Tools subgroup reported on their proposed revisions to the measurement tools recommendations. The subgroup made changes to recommendations 2 and 3 and added a new recommendation 4 on qualitative assessment approaches. Proposed language was provided before the meeting.
- 6.2. At the meeting, discussion suggested an amendment to Recommendation 4 that it include a reference to Ecology providing guidance on “qualitative standards” as well as what type of qualitative analysis is acceptable.
- 6.3. The IWG voted unanimously in favor of revisions to Recommendations #2 and #3 and voted 19 to 1 in favor of adding Recommendation 4 on qualitative assessment (including the amendment noted above).

Measurement Tools Recommendations	In Favor	Not in Favor
Changes to Recommendation 2	All	None
Changes to Recommendation 3	All	None
New Recommendation 4	19	1

7. Other Draft IWG Report Issues/Questions

- 7.1. Tom provided an overview of some comments received by IWG members on the draft report to see if they could be resolved through discussion at the meeting. Resolution was as follows
- The IWG approved adding a recommendation that training on SEPA and climate should be included in the report. Jeannie suggested that recent training on storm water could be the basis for estimating costs.
 - The IWG approved adding a principle of support for pushing the SEPA analysis upstream to the planning level. Two members volunteered to draft language for the report on this topic.
 - The IWG approved adding a recommendation on taking into account lead agency capacity, resources, and constraints when setting SEPA and climate policy.
 - The group discussed including the need for guidance on the question of what to measure. This will be added to recommendation 1 for review by the IWG.

8. Public Comments

- 8.1.** Tim Krause, a consultant who works on SEPA, provided public comments. He reminded the IWG to address the non-project component of SEPA, including in revisions to the SEPA checklist. He suggested that the IWG evaluate any potential problems with NEPA/SEPA combined documents. For the state standard of significance, he suggested that the IWG consider whether changes should be in SEPA or some other law. He also reminded the group to consider how far to go with analysis of impacts on a project, and that going too far away from direct impacts could be a problem.

9. Future of the IWG, Meeting Wrap up and Next Steps

- 9.1.** The co-leads stated that the CAT co-chairs had asked whether members of the SEPA IWG would be interested in continuing on as an advisory group. The work would involve responding in an advisory capacity to the products that Ecology will be producing after the CAT process.
- 9.2.** Members gave a show of hands for their interest in participating in a potential SEPA advisory group after the CAT process. A signature sheet was provided to those interested in staying informed about this potential group. The following members said they would be willing to continue on as part of an advisory committee:
- Tayloe Washburn
 - Michael Robinson-Dorn
 - Jennifer Dold
 - Perry Weinberg (via Steve Kennedy)
 - Valerie Grigg Devis
 - Tim Trohimovich
 - T.C. Richmond
 - Ann Farr
 - Jim Wilder
 - Mark Kulaas
 - Clay White
 - Megan White
 - Kari-lynn Frank
 - Jayson Antonoff
 - Sean Cryan
 - Hilary Franz
 - Dan McGrady
 - Anthony Chavez
 - Dick Settle
 - Jim Lopez

Next Meeting

The next SEPA IWG meeting will be a teleconference on October 23rd from 2:00 p.m. to 4:00 p.m.